

In re Application of: Eli NHAISSI et al
Serial No.: 09/744,102
Filed: March 16, 2001
Office Action Mailing Date: February 5, 2008

Examiner: Olabode Akintola
Group Art Unit: 3691
Attorney Docket: 35814

REMARKS

This amendment is in response to the Office Action dated February 5, 2008. Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 131-134, 180-202 are currently pending in this Application. Claims 131, 133, 134, 180-188, 192-196 and 201 have been rejected under 35 U.S.C. § 102. Claims 132, 189, 190, 191, 197, 198, 199, 200 and 202 have been rejected under 35 U.S.C. § 103. Claim 131 has been amended herewith.

Amendments to the Claims

35 U.S.C. § 102 Rejections

The Examiner rejected claims 131, 133, 134, 180-188, 192-196 and 201 under 35 USC 102(e) as being anticipated over U.S. Patent 5,819,092 of Ferguson et al (hereinafter: *Ferguson*).

In order to clarify the scope of the claimed invention according to the differences between *Ferguson* and the present invention, Applicant has amended independent claim 131, emphasizing the distinctiveness of the claimed invention in the light of *Ferguson*.

The Examiner is of the opinion that *Ferguson* discloses a method of Internet billing having the limitations as recited in previously presented claim 131. Though Applicant recognizes that both the invention presented in amended claim 131 and in *Ferguson* are teaching billing of an access to a service, Applicant believes that the

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present claims as amended are distinguished over *Ferguson* teachings in essential features.

One of the distinguishing features relied upon is that the claimed invention is dealing with billing user access to a plurality of Internet sites, which can be any arbitrary Internet site selected by the user, see paragraph [0108] in the present application. In contrary, *Ferguson* describes a development tool to implement an online service, see column 8, lines 4-9 of *Ferguson*. *Ferguson* development tool may enable the development of an online service, such as a website, that includes an Internet billing sub-service (see column 4, lines 1-10 of *Ferguson*) for levying a variable fee on users for accessing information that is provided by the service (see column 12, lines 14-23 and column 30, lines 20-58 of *Ferguson*). *Ferguson* does not teach accessing to plurality of Internet sites, which may be unrelated to one another, via a cost server, which is not related thereto. The levying in *Ferguson* is limited to the service that hosts the billing sub-service. Such a levying cannot be applied to Internet services which are executed on various servers that do host billing sub-services.

Another distinguishing feature that is relied upon is that in *Ferguson* the user computer accesses a service using a billing sub-service that is one out of many potential services which are provided via the Internet, see Figure 1 of *Ferguson*. On the other hand, the invention as claimed in amended claim 131 discloses a user computer that accesses any of a plurality of Internet sites via a cost server, see Figure 1 of the present application.

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Furthermore, the cost server that is disclosed in the in the claimed invention is designed for tracking the access of the user computer to various Internet sites.

Ferguson, on the other side, describes a sub-service that monitors the activity of a user that accesses a specific service. *Ferguson* does not teach or imply tracking the access of a user to a plurality of websites that may be unrelated to one another.

Based on the above, Applicant asserts that the amended claim 131 is novel as not being anticipated by *Ferguson* and that dependent claims 133, 134, 180-188, 192-196 and 201 are consequently allowable as being dependent on an allowable main claim.

Claim 131 has been amended in a manner that emphasizes the innovativeness thereof in the light of *Ferguson*. Applicant argues that *Ferguson* would teach an ordinary artisan in the field of Internet billing to add a local sub-service to a certain server for allowing the billing services it provides. Such a teaching actually teaches away from the claimed invention in which the access of a user computer to various services is tracked from a cost server and billed without installing sub-services in any of the servers that hosts the billed services, see column 4 lines 27-32 and column 4 lines 51-67.

In the response, the examiner rejects few of the dependent claims based on US Patent No. 5,749,075 to *Toader* et al. (hereinafter: "*Toader*"). *Toader* teaches allowing a user to use a calling cards to access the Internet, see column 4, lines 62-65 of *Toader*. Combining *Toader* and *Ferguson* yields an Internet billing method that is based on calling cards and would have a flat rate for accessing an Internet and additional debit for

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accessing specific sites as thought by *Ferguson*. This combination does not teach or imply a billing system that uses a cost server for tracking access to different web sites and/or the charging different rates for the access of a user computer to different web sites, as disclosed in amended claim 131.

35 U.S.C. § 103 Rejections

The Examiner rejected claims 132, 190, 191, 197, 198, 199 and 202 under 35 USC 103(a) as being unpatentable over *Ferguson* in view of US Patent No. 5,127,412 to *Toader et al.*

As described above, Applicant asserts that amended claim 131 is an allowable main claim. Thus, dependent claims 132, 190, 191, 197, 198, 199 and 202 are consequently allowable as being dependent on an allowable main claim.

The Examiner rejected claim 200 under 35 USC 103(a) as being unpatentable over *Ferguson* in view of US Patent No. 6,292,551 to *Entman et al.* As described above, Applicant asserts that amended claim 131 is an allowable main claim. Thus, dependent claim 200 is consequently allowable as being dependent on an allowable main claim.

The Examiner rejected claim 189 under 35 USC 103(a) as being unpatentable over *Ferguson* in view of US Patent No. 5,644,724 to *Cretzler* (hereinafter: "*Cretzler*"). As described above, Applicant asserts that amended claim 131 is an allowable main claim. Thus, dependent claim 189 is consequently allowable as being dependent on an allowable main claim.

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All of the issues raised by the Examiner have been dealt with. In view of the foregoing, it is submitted that claims 131-134, 180-202 which are now pending in the application, are allowable over the cited reference. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Martin D. Moynihan".

Martin D. Moynihan
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